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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,823	12/06/1999	KENNETH A. FREELING	Freeling-P1-99	5609

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EXAMINER
WANG, MARY DA ZHI

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/455,823	FREELING ET AL.	
	Examiner	Art Unit	
	Mary Wang	3621	

-- The MAILING DATE of this communication app ars on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 December 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8,12-15,20,22,24/1-3,24/5-8,24/12-15,24/20,24/22,27-31* is/are rejected.

7)☒ Claim(s) *4, 9-11,16-19,21,23,24/4,24/9-11,24/16-19,24/21,24/23,25-26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 25-32 should be renumbered as 24-31. For examining purpose, these claims are assumed to be renumbered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5-8, 12-15, 20, 22, 24/1-3, 24/5-8, 24/12-15, 24/20, 24/22 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challener et al., U. S. Patent Number 6,081,793 in view of McClure et al., U. S. Patent Number 6,250,548.

As to claim 1, Challener teaches a computer-aided method for conducting a poll with high reliability to produce a demographic profile corresponding to an accumulation of response data from encrypted identities, the method including (abstract and Figs. 1A, 2A and 7):

for each one of a plurality of local computers, carrying out registration substeps of (Figs. 1A-2A, 4):

(i.) receiving an application for participant registration, the application including participant identification data and participant demographic data (column 3 lines 10-23 and column 4 lines 24-46 and Figs. 2, 4);

(ii.) if said application is accepted, then issuing respective registration data, including encrypted participant identification data (column 3 lines 10-23 and column 4 lines 24-46 and Figs. 2, 4);

thereafter, for a portion of the local computers, carrying out polling substeps of (Figs. 1A-2A, 4):

(iii.) receiving digital signals over the Internet including the encrypted participant identification data and poll response data for a first question in a poll (Figs. 7-8);

(iv.) responsive to said receiving of said encrypted participant identification data, preventing tampering and repudiation in response to the first question (Figs. 7-8);

associating the encrypted participant identification data, the response data, and the demographic data, respectively, to produce a demographic profile corresponding to an accumulation of the response data from encrypted identities (Fig 7).

Challener does not specifically teach preventing more than one respective response to the first question. McClure teaches a voter is able to cast one and only one ballot (column 36 lines 66-67). It would have been obvious to one of ordinary skill in the art at the time the invention was to allow the voting system of Challener to include the feature of only allowing voter to case one ballot because it would prevent the vote being repudiated.

As to claim 2, the method of Challener modified by McClure does not specifically teach devoid of the participant identification data. It would have been obvious to one of ordinary skill in the art to include the feature of devoid of the participant identification data because the next voter or other people who review the voting screen would not know whom said participant voted for, and it would keep voting privacy for said participant.

As to claim 3, Challener teaches generating a printed report including data generated from the accumulation of the response data and from the participant demographic data (Figs. 1A, 1C).

As to claim 5, generating a report including data generated from the group consisting of the accumulation of response data from the first question, an accumulation of response data for a second question, and the demographic data is taught by Challener as generating the election results from the valid ballots (Fig. 1A).

As to claim 6, Challener teaches the step of off line generating certificates of authorization as a portion of said registration data (column 4 lines 24-46).

As to claim 7, Challener teaches said certificates include a periodic time limit requiring updating said demographic data (column 4 line 59 – column 5 line 5).

As to claim 8, said demographic data cannot be modified under participant control is taught by Challener as updating said demographic data by the network distribution system user (column 4 line 59 – column 5 line 5).

As to claim 12, said demographic data including a data set of at least three members from the group consisting of residence, age, gender, party, income, and race is taught by Challener as the demographic data includes voter's name, address, voter registration number, social security number, driver's license number, or any other identification data (column 7 lines 54-57).

As to claim 13, said demographic data including a data set of at least two members of the group consisting of residence, age, gender, party, income, and race is taught by Challener as the demographic data includes voter's name, address, voter registration number, social security number, driver's license number, or any other identification data, and said members are verified in determining if said application is accepted, said members verified by checking at least one source from the group consisting of a charge card, a debit card, a bank card, and a drivers license (column 7 lines 54-57).

As to claim 14, Challener teaches the encrypted participant identification data is made verifiable by using a public key cryptographically-based digital signature (Figs. 2A, 7).

As to claim 15, Challener teaches generating a private key and a public key pair, and associating the public key with the demographic data and generating a respective participant client-side certificate (Figs. 2A, 7).

As to claim 20, Challener teaches providing equivalent computer systems for carrying out the step of receiving the digital signals over the Internet, said equivalent computer systems communicating to form the accumulation of response data (Figs. 1A, 1C).

As to claim 22, Challener teaches encrypting a database formed by carrying out said step of associating (Figs. 7-8).

As to claims 24/1, 24/2, 24/3, 25/5, 24/6, 24/7, 24/8, 24/12, 24/13, 24/14, 24/15, 24/20 and 24/22, Challener teaches the step of issuing respective registration data, including encrypted participant identification data, includes issuing a schema including said participant demographic data (Figs. 2A, 7).

Claims 27-29 are rejected for the similar reason as claim 1.

As to claim 30, Challener teaches issuing respective registration data as an electronic message (Figs. 1A, 2A, 7). Challener does not specifically state said registration data stored in a browser. However, McClure teaches storing the registration data as an electronic message in a browser (column 36 lines 23-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

allow the registration data of Challener to be stored in a browser so that the voter with a proper access code would be able easily to access his or her registration information.

As to claim 31, Challener teaches issuing respective registration data into memory of a smart card (Fig. 2A).

Allowable Subject Matter

5. Claims 4, 9-11, 16-19, 21, 23, 25-26, and 24/4, 24/9, 24/10, 24/11, 24/16, 24/17, 24/18, 24/19, 24/21, 24/23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newsham et al. (U. S. Patent Number 5,615,134) discloses a polling system collects demographic data from users and the data are being analyzed.

Davis et al. (U. S. Patent Application Publication Number US 2001/0035455 A1) discloses using a directed vote recording system to conduct election and generate the election result.

Kilian et al. (European Patent Application EP 0 723 349 A2) discloses a number-theoretic based algorithm provides for secure anonymous message transfer and electronic voting.

Brown et al. (European Patent Application EP 0 647 078 A2) discloses each RF site controller having a digital voter includes a voter selector device that routes communications from either the site voter or multsite switch to a main site.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Wang whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 746-7238 (After Final Communication)

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mary Wang
Patent Examiner
Art Unit 3621
May 2, 2002